



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable C. G. Mendenhall
County Auditor
Chambers County
Anahuac, Texas

Dear Sir:

Opinion No. O-6726
Re: Constitutionality of House
Bill No. 44, Chapter 220,
concerning salaries of
County Judges, Clerks and
Stenographers.

Your request for an opinion on the above question is
as follows:

"Will you kindly furnish us with your ruling
as to this Act being constitutional, and if in
the affirmative, does same apply to Chambers
County, the population of which is 7511 accord-
ing to the last Federal Census?"

House Bill No. 44, Chapter 220, p. 304, Vernon's
Texas Session Law Service, is in part as follows:

"Section 1. In any county in this State whose
population as shown by the last preceding Federal
census is not more than seventeen thousand, five
hundred (17,500) and not less than seven thousand,
five hundred (7,500), the County Judge may, with
the approval of the Commissioners' Court, employ
a stenographer or clerk at a salary not exceeding
One Hundred and Twenty-five Dollars (\$125) per
month, such salary to be fixed by the Commissioners'
Court and paid monthly by county warrants drawn on
the County General Fund under the orders of the
Commissioners' Court of such county."

There are about seventy-five (75) counties within
the population bracket set forth in said statute and to

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which this statute is applicable. Said statute is not in violation of any provision of the Constitution, therefore, it is our opinion that same is constitutional.

The last Federal census in 1940 shows the population of Chambers County to be 7,511, therefore said Act applies to said county.

This statute became effective on May 18, 1945, but your attention is directed to the fact that, in our opinion, the employment of a stenographer or a clerk for the balance of this year, as authorized by said statute, would be subject to the budget law (Art. 689a-9 - 689a-11, V. A. C. S.), and that, in order for a stenographer or clerk to be employed under the terms of said statute for the balance of this year, the county budget would have to be amended in accordance with said budget law, as set forth in our Opinions Nos. O-5184 and O-5053-A, copies of which are enclosed herewith.

We trust that this satisfactorily answers your inquiry.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By *Jas. W. Bassett*
Jas. W. Bassett
Assistant

JWB:LJ
encls.

APPROVED JUL 26 1945
Carlyle
FIRST ASSISTANT
ATTORNEY GENERAL

